

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

David A. Brown,

: Case No. 3:08-cv-141

Plaintiff,

District Judge Thomas M. Rose

-vs-

Magistrate Judge Michael R. Merz

Officer Malicki, et al.

Defendants. :

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**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

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The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. # 37), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendations.

Accordingly, it is hereby ORDERED that Defendant's Motion for Judgment on the Pleadings and Motion for Summary Judgment are GRANTED. All federal claims against Officer Malicki are hereby DISMISSED with prejudice.

May 14, 2009.

**\*S/THOMAS M. ROSE**

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Thomas M. Rose  
United States District Judge